



Deval L. Patrick  
Governor

Timothy P. Murray  
Lieutenant Governor

# *The Commonwealth of Massachusetts*

## *Department of Public Safety*

*One Ashburton Place, Room 1301*

*Boston, Massachusetts 02108-1618*

*Phone (617) 727-3200*

*Fax (617) 727-5732*

*TTY (617) 727-0019*

*[www.mass.gov/dps](http://www.mass.gov/dps)*

Kevin M. Burke  
Secretary

Thomas G. Gatzunis, P.E.  
Commissioner

### **Criteria for Evaluating Criminal Offender Record Information (CORI) Reports**

#### **Introduction and Purpose**

Criminal Offender Record Information (CORI) reports are obtained through the Criminal History Systems Board (CHSB). Recently promulgated regulations require certain individuals acting in capacities where they are likely to be in constant contact with children and vulnerable parties to submit to a CORI report prior to their licensure and/or employment. Yet, generating a CORI is only the first step in a multi-step process that must occur prior to a licensing or hiring decision being made. After receiving a CORI report, individuals responsible for licensing or hiring decisions must analyze the report, taking into consideration several factors. A component of any decision to hire shall be a finding that the applicant has been found to be a satisfactory candidate for licensure or employment based upon the CORI report.

The purpose of this document is to assist individuals responsible for making licensing or hiring decisions in evaluating a CORI report through the application of the following criteria. The Department of Public Safety also utilizes the criteria contained within this document when making a licensure decision where a CORI is required. The criteria requires licensing and hiring authorities to carefully consider all aspects of an applicant's CORI report because the intent of the review is to determine whether an applicant presents an unacceptable risk of harm to children or other vulnerable parties. Ultimately, each applicant should be assessed on a case-by-case basis with these criteria acting as guidelines. Additional information to assist licensing and hiring authorities is available at the CHSB website: [www.mass.gov/chsb](http://www.mass.gov/chsb). Specific questions and assistance regarding the assessment of individual applicants should be addressed to the CORI Unit of the CHSB at (617) 660-4640.

#### **Categories of Employment Qualification Based on CORI Reports**

The Department of Public Safety has adopted three major categories of employment qualification based on the information which appears on a CORI report: no report, discretionary disqualification, and presumptive disqualification. The categories are based on offenses listed in Tables A-C, as appended to this document. Offenses considered the most egregious are listed in Table A. For the purposes of evaluating Criminal Offender Record Information, the following terms and definitions shall apply:

**Discretionary Disqualification.** An applicant shall be initially ineligible for licensure or employment based upon a conviction or pending charge for any of the crimes listed in Tables B or C unless the licensing or hiring authority is convinced after consideration of mitigating factors that the applicant should be licensed or hired. Factors that may mitigate an initial decision of ineligibility include:

- 1) time since the conviction;
- 2) the age of the candidate at the time of the offense;
- 3) the seriousness and specific circumstances of the offense;
- 4) the nature of the work to be performed;
- 5) the number of offenses;
- 6) any relevant evidence of rehabilitation or lack thereof; and
- 7) any other relevant information, including information submitted by the candidate or requested by the hiring authority or Department including, but not limited to, letters of reference from the applicant's probation officer; the prosecuting district attorney; the judge hearing the charge on which a conviction of guilt was determined; or the applicant's treating mental health provider.

No Record. A finding of "no record" indicates that the applicant has no record of offenses processed through the Massachusetts court system, therefore the applicant is suitable for employment, barring other reasons for an adverse decision.

Presumptive Disqualification. An applicant shall be ineligible for licensure or employment based upon a conviction, guilty plea or pending charge for any of the crimes listed in Table A. The individual applicant shall remain presumptively and permanently disqualified for licensure or employment except where the applicant is able to rebut the presumption of ineligibility. Ineligibility based upon a Table A offense may be challenged *only* by submitting clear and convincing evidence that the applicant is not likely to pose a risk of harm to children or vulnerable parties. Clear and convincing evidence of the applicant's appropriateness is an unequivocal statement(s) that the applicant poses no risk of harm, submitted by the applicant's probation officer, the prosecuting district attorney, or the judge that heard the Table A offense charge.

### **1. What does a decision maker do with a CORI report generated on an applicant?**

Upon receiving a CORI report on an applicant, the licensing or hiring authority should review the information to determine whether an applicant is suitable for employment. A report that indicates "no record" means that the applicant is suitable for employment barring other reasons for an adverse employment decision. If a report is returned which indicates convictions or pending charges, the licensing or hiring authority should refer to Tables A-C, which appears at the end of this document.

When looking at a CORI report, offenses are denoted by the abbreviation "Off." The disposition of the charge, or what decision was made in a court of law, is indicated by the abbreviation "Disp." If the letter "G" is indicated, the applicant was found guilty of the offense indicated. Compare the offense listed on the report to Tables A-C.

### **2. What if a Table A offense is indicated?**

If *any* offense listed on the CORI report falls within Table A, the applicant is presumptively disqualified from employment. The licensing or hiring authority should notify the applicant immediately and share the findings with the applicant. The applicant then has the opportunity to rebut the presumption that they are ineligible to work in an environment with children or other vulnerable parties. Only upon the written submission of unequivocal, clear and convincing statements made by the applicant's probation officer, the prosecuting district attorney, or judge, stating that the applicant is unlikely to pose a risk of harm to a child or other vulnerable party may ineligibility be overturned.

Any decision to license or hire an individual presumptively disqualified which is made after the submission of clear and convincing evidence should be documented and maintained by the licensing or hiring authority. Documentation of a decision to hire despite a presumptive disqualification should include a statement of the rationale for the decision.

### **3. What if a Table B offense is indicated?**

If any offense listed on the CORI report falls within Table B, the applicant is discretionarily disqualified from employment. The licensing or hiring authority should notify the applicant immediately and share the findings with the applicant. The applicant then has the opportunity to rebut the finding of ineligibility by providing additional information to the licensing or hiring authority. Additional information considered to rebut a Table B offense should include a letter of reference stating that the applicant is unlikely to pose a risk of harm to children or other vulnerable parties, submitted by the applicant's probation officer, the prosecuting district attorney, judge, or a treating mental health professional. Additionally, the applicant may submit other information for additional review. Licensing and hiring authorities should weigh specific factors in making a decision, including:

- a. the time since the conviction, including whether the conviction was in the distant or recent past, and what has occurred in the time since the conviction;
- b. the age of the candidate at the time of the offense, including whether the applicant was considered a young adult or mature adult;
- c. the seriousness and specific circumstances of the offense, including whether the act leading to the conviction was particularly egregious in nature;
- d. the nature of the work to be performed, including whether it will place the applicant in an environment in which they may be likely to re-offend;
- e. the number of offenses, including whether the applicant appears to be a habitual offender; and
- f. any relevant evidence of rehabilitation or lack thereof, including what the individual has been doing since their release or probationary period expired.

All additional information should be weighed on a case-by-case basis and is specific to the circumstances of the individual applicant. The CORI Unit of the CHSB may provide additional assistance and may be reached at (617) 660-4640.

Any decision to license or hire an individual otherwise discretionarily disqualified made after the submission of letters of reference and consideration of other factors should be documented and maintained by the licensing or hiring authority. Documentation of a decision to hire should include a statement of the rationale for the decision.

### **3. What if a Table C offense is indicated?**

If any offense listed on the CORI report falls within Table C, the applicant is discretionarily disqualified from employment. The licensing or hiring authority should notify the applicant immediately and share the findings with the applicant. The applicant should then rebut the finding of ineligibility by providing additional information to the licensing or hiring authority. Additional information which the licensing or hiring authority may consider on additional review may include:

- a. the time since the conviction, including whether the conviction was in the distant or recent past, and what has occurred in the time since the conviction;
- b. the age of the candidate at the time of the offense, including whether the applicant was considered a young adult or mature adult;
- c. the seriousness and specific circumstances of the offense, including whether the act leading to the conviction was particularly egregious in nature;
- d. the nature of the work to be performed, including whether it will place the applicant in an environment in which they may be likely to re-offend;
- e. the number of offenses, including whether the applicant appears to be a habitual offender;
- f. any relevant evidence of rehabilitation or lack thereof, including what the individual has been doing since their release or probationary period expired; and
- g. any other relevant information, including information submitted by the candidate or requested by the licensing or hiring authority, such as letters of reference from the applicant's probation officer or a treating mental health professional.

While Table C offenses do not necessitate letters of reference to overturn an initial finding discretionary disqualification as Table B offenses do, letters may be helpful. While offenses listed in Table C are serious offenses, they are considered to be the least egregious category of offense and should be considered on a case-by-case basis. The CORI Unit of the CHSB may provide additional assistance and may be reached at (617) 660-4640.

As with any offense, a decision to license or hire an individual otherwise discretionarily disqualified should be documented and maintained by the licensing or hiring authority. Documentation of a decision to hire should include a statement of the rationale for the decision.

**4. What if the identifiers in the CORI report that I received back do not match up to the identifiers that were provided on the application? Is this the same person's CORI as the individual that applied?**

The information that was provided to you may be a close match to the identifying information provided. If you are having difficulty attributing CORI results to an applicant, please contact a CORI Unity Analyst at 617-660-4640. The CORI Unit will conduct further research based on the fields of information required by the new CORI request forms sent to certified agencies in June 2005. It is important to note that it is always up to the requesting party to determine whether the criminal record received is in fact the record of the person being screened.

**5. All or some of the identifiers on the CORI match the information that was provided to you, but the person I requested information on is claiming that it is not him. Where do I go from here?**

Until recently, Massachusetts' criminal records were not supported by fingerprints. As a result, there is no guarantee that the record returned by the CHSB is a match to the person queried. You are required to provide a copy of the CORI you received from CHSB to the person whose record you requested and afford the opportunity to dispute the accuracy or relevancy of the CORI prior to making an adverse decision. The CHSB also requires that you provide a copy of Information Concerning the Process in Correcting a Criminal Record to anyone who believes his or her CORI report is inaccurate. Information Concerning the Process in Correcting a Criminal Record may be obtained by contacting the CHSB CORI Unit at (617) 660-4640.

**6. What do I do if I don't understand what an offense means or what the disposition of the offense was as it appears on the CORI report?**

Contact the CORI Unit of CHSB at (617) 660-4640.